

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 4, 1999

DIVISION ONE

B118938 Ramirez (Not for Publication)

V.

Miura Boiler West, Inc.

We affirm the summary judgment. Defendant is awarded costs.

Ortega, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B114215 People (Not for Publication)

V.

Chavez

We remand for the trial court to issue a new abstract of judgment as indicated in part V of this opinion. In all other respects the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.

Masterson, J.

B119329 People (Not for Publication)

V.

Khambouneuang

The judgment is reversed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.

Masterson, J.

February 4, 1999-Continued

DIVISION ONE (Continued)

[illegible]

The matter is remanded for issuance of a corrected abstract of judgment (to be sent to the Department of Corrections) as indicated in part II of this opinion. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION TWO

B118114 Larry Wollersheim (Certified for Partial Publication)
v.
Church of Scientology International et al.

The judgments against the Church of Scientology International ("CSI") and Religious Technology Center ("RTC") are reversed. This matter is remanded for further consideration of plaintiff's motion to add these parties to the judgment by evaluating the evidence according to the preponderance of the evidence burden of proof in a manner consistent with this opinion. Each side to bear their own costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
Fukuto, J.

DIVISION THREE

B118133 People (Not for Publication)
v.
Esqueda

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B116203 People (Not for Publication)
v.
Torres

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B120383 People (Not for Publication)
v.
Rocha

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

February 4, 1999-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B111019 People v. Brown (Not for Publication)

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B124372 Los Angeles County, D.C.S. (Not for Publication)
v.
Amos M. and Susan S.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

February 4, 1999-Continued

DIVISION THREE (Continued)

B120261 Roberta Council, etc. (Not for Publication)
v.
Larry J. Monteilh, etc.

The judgment is affirmed. Respondent is awarded its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B108687 Los Angeles County, D.C.S. (Not for Publication)
v.
Juan F.

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B107534 Jack Boyer Revelle (Not for Publication)
v.
Hughes Aircraft Company, et al.

The judgment is affirmed. Defendants are awarded their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B107649 Perpetual Wood Products, et al. (Not for Publication)
 v.
 Front Street Importers, Ltd., et al.

The judgments and orders appealed from are affirmed. The cross-appeal is dismissed as moot. Foshan and Front Street shall recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FIVE

B121234 People (Not for Publication)
 v.
 Raymond Johnson

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B118478 People (Not for Publication)
 v.
 David Sotomayor

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

[illegible]

The judgment is modified to impose a \$600 restitution fine, to remain suspended unless and until defendant violates his parole, pursuant to Penal Code section 1202.45. The judgment is further modified to impose a \$50 criminal laboratory analysis fee under Health and Safety Code section 11372.5, subdivision (a), and penalty assessments of \$50 pursuant to Penal Code section 1464, and \$35 as required by Government Code section 76000. In addition, the judgment is modified to delete one day of conduct credit. As modified, the judgment is affirmed. The clerk of the superior court shall prepare and deliver to the Department of Corrections an amended abstract of judgment reflecting two days of actual custody credit, and setting forth the restitution fines, criminal laboratory analysis fee, and penalty assessments imposed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B119425 Steven Scoggins (Not for Publication)
v.
Ultramar, Inc.

The judgment is affirmed. Defendant, Ultramar Inc., is to recover its costs on appeal from plaintiff, Steven Scoggins.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B121880 People (Not for Publication)
v.
Richardo Rodriguez Torres

The judgment is modified to impose an additional \$200 restitution fine, to remain suspended unless and until defendant violates his parole, pursuant to Penal Code section 1202.45. The judgment is further modified to impose penalty assessments of \$50 pursuant to Penal Code section 1464, and \$35 as required by Government Code section 76000. In all other respects, the judgment is affirmed. The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment that sets forth the restitution fines, criminal laboratory analysis fee, and penalty assessments imposed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B121090 People (Not for Publication)
v.
Gustavo Rodriguez et al.

As to defendant Lopez, the judgment is modified as follows: one prior prison term allegation is stricken; the prior prison term enhancement is imposed only once and not on each count; the concurrent sentence for count 3 (grand theft) is stayed pursuant to Penal code section 654; and presentence conduct credit is increased to 210 days. As modified, the judgment is affirmed. As to defendant Rodriguez, the conviction of a violation of Penal Code section 666 is reversed and the charge is dismissed. The remainder of the judgment is modified as follows: the prior prison term enhancement is imposed only once and not on each count; the concurrent sentences for counts 3 and 4 are stayed pursuant to Penal Code section 654; and presentences conduct credit is increased to 210 days As modified, the judgment is otherwise affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B122087 People (Not for Publication)
v.
Isiah Lucas

A \$5,000 parole revocation restitution fine is imposed and suspended pursuant to Penal Code section 1202.45. The abstract of judgment is modified to reflect two \$5,000 restitution fines pursuant to Penal Code sections 1202.4, subdivision (b) and 1202.45. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B117707 Sharon Danley (Not for Publication)
v.
Bruce Berman et al.

The order denying the motion to vacate entry of dismissal is reversed. The trial court is directed to enter a new and different order granting the motion to vacate entry of dismissal and entering the request for dismissal of Roberta Swiman, Holly and Ron Wood, and Robbie's Card & Gifts, Inc. effective as of September 9, 1997. Appellant Sharon Danley is awarded her costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B125790 People (Not for Publication)
v.
Gerald Sage

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B124069 People (Not for Publication)
v.
Roel Soto

The judgment is ordered to be modified to reflect a parole revocation fine of \$200, suspended. The clerk of the superior court is directed to prepare an amended abstract of judgment showing a \$200 restitution fine and a \$200 parole revocation fine, suspended, and showing that appellant has 219 days of presentence custody credit. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B119393 John R. Fuchs (Not for Publication)
v.
Ford Motor Credit Company

The judgment is affirmed. Respondents to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B123142 People (Not for Publication)
v.
Eduardo Panameno

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

February 4, 1999-Continued

DIVISION FIVE (Continued)

B113683 People (Not for Publication)
v.
Linda Osman

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B114211 Novaplex, Inc. et al. (Not for Publication)
v.
City of Los Angeles et al.

The judgment is reversed. Appellants to recover costs on appeal.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

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The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

February 4, 1999-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B123242 People (Not for Publication)
v.
Tomlinson

The judgment is modified to reflect 82 days of actual custody credit plus 40 days of conduct credit for a total of 122 days custody credit. The judgment is affirmed in all other respects.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B124200 People v. Hodge (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Burke, J. (Assigned)

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J, Johnson, J., Woods, J., Neal, J., and Emma Jean Amos, Deputy Clerk.

Each of the following:

B114479 People v. McGee
B117286 People v. Tenorio
B117932 People v. Sanders
B118339 People v. Coates
B119339 People v. Jones
B119750 People v. Brown
B119861 People v. Tyson
B119934 People v. Wade
B119989 People v. Sandoval
B121291 People v. Hester
B121791 People v. Eatman
B122358 People v. Liston G.
B127284 Rosa E. v. SCLA
B127264 Elaine R. v. SCLA
B114356 Royce v. Union Development Company
B122283 DCFS v. Mona (Lisa) B.
B117782 Arman v. Antrobus
B123008 County of L.A. v. Dawn L.
B116076 David M. v. Southard
B124635 County of L.A. v. James S.
B117192 County of L.A. v. Gary O.

Argument waived, cause submitted.

B119460 People
 v.
 Hardiman

Merits:

Argued by David Bernstein for appellant and by Corey J. Robins, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B121395 People
 v.
 Wooten

Merits:

Argued by James R. Bostwick for appellant and by Deborah Chuang, deputy attorney general, for respondent. Cause submitted.

B121361 People
 v.
 Cleveland

Merits:

Argued by James R. Bostwick for appellant and argument waived by respondent. Cause submitted.

B123327 People
 v.
 Clayton and Howard

Merits:

Argued by Ben Pesta and Albert Boudreaux for appellants and by Herbert S. Tetef, deputy attorney general, for respondent. Cause submitted.

B122949 People
 v.
 Tatiana B.

Merits:

Argued by Lorilee Gates for appellant and by Douglas Wilson, deputy attorney general, for respondent. Cause submitted.

Court recessed at 9:50 a.m.

DIVISION SEVEN (Continued)

The Court reconvened at 10:00 a.m.

B125018 Ashikian
 v.
 Thomloi

Merits:
Argued by Howard Gold for appellant and by Larry Stewart for respondent.
Cause submitted.

B113890 People
 v.
 Masog

Matter ordered off calendar.

B119195 People
 v.
 Vargas

Oral argument continued to March 4, 1999, at 9:00 a.m.

B118815 People
 v.
 Carl Henry S.

Oral argument continued to March 4, 1999, at 9:00 a.m.

B117371 Kroeller
 v.
 "T" McGee Electric, Inc.

Oral argument continued to March 5, 1999, at 10:00 a.m.

DIVISION SEVEN (Continued)

B121196 Cassim
 v.
 S.C.L.A.
 (Allstate Insurance Company, r.p.i.)

Merits:

Argued by Evan Marshall for petitioner and by J. Susan Graham for real party in interest. Cause submitted.

B117723 Paskover
 v.
 Koifman

Merits:

Argued by Stuart L. Brody for appellant and by Evan Marshall for respondent. Cause submitted.

B122909 Vickers
 v.
 Getgood

Merits:

Argued by Brendan Macaulay for appellant and by Michael Trotter for respondent. Cause submitted.

B117389 Cho
 v.
 Lee and An

Merits:

Argued by Arthur D. Cohen for appellant and by Erica M. Kim for respondent and by Carl J. Sohn for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B126464 Christopher G.
 v.
 S.C.L.A.
 (Dept. of Children & Family Services, r.p.i.)

Merits:

Argued by Howard L. Osias for petitioner and by Stephanie Jo Farrell and Lisa Rozano for real parties in interests. Cause submitted.

Court recessed.

The court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., and Emma Jean Amos, Deputy Clerk.

B116314 Heyempour, et al.
 v.
 Lerner

Merits:

Argued by Jack Mattingly for appellant and by Kathryn Albarian for respondent. Cause submitted.

B121213 Meza
 v.
 Meza

Merits:

Argued by Martin Reiner for appellant and by Gary Einstein for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B124955 Woods-Gray, et al.
 v.
 Murray

Merits:
Argued by Geraldine Green for appellant and by James P. Cooper for respondent. Cause submitted.

B120185 Angulo
 v.
 Truck Insurance Exchange

Merits:
Argued by Anne Huarte for appellant and by Keith Turner for respondent. Cause submitted.

Court adjourned at 2:44 p.m.

B115419 Geri
 v.
 City of Hawthorne

Filed order denying petition for rehearing.

B116607 People
 v.
 Moses

Filed order denying petition for rehearing. Woods, J. would grant.